

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

BEFORE THE COURT without oral argument is Plaintiff's Motion to Dismiss Affirmative Defense (Ct. Rec. 14). Subsequent to the filing of the motion, the Defendant, Chemi-Con Materials Corp., withdrew the affirmative defense which was the subject of the motion. See Ct. Rec. 22.

ACCORDINGLY, Plaintiff's Motion to Dismiss (Ct. Rec. 14) is **DENIED** as **MOOT**. Defendant shall file an Amended Answer without such affirmative defense within **FIFTEEN** DAYS of this order. **IT IS SO ORDERED.**

The District Court Executive is directed to file this Order and provide copies to counsel.

**DATED** this 12th day of December, 2005.

*s/Lonny R. Suko*

LONNY R. SUKO  
UNITED STATES DISTRICT JUDGE

## ORDER